

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 15, 2008

DIVISION ONE

B201219 Mosher, Jr. (Not for Publication)
v.
Kraemer et al.

The order is affirmed.

Neidorf, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

B191091 United Television Broadcasting Systems, Inc. (Not for Publication)
v.
Rancho Palos Verdes Broadcasters, Inc., et al.

The nonsuit judgment against UTB on its complaint is reversed. The postjudgment order awarding attorney’s fees is vacated. The nonsuit judgment against Crosby on his cross-complaint is affirmed. UTB is awarded its costs on appeal.

Neidorf, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

DIVISION ONE (continued)

B187379 Redevelopment Agency of the City of Long Beach (Not for Publication)
v.
Thach

The judgment is reversed and the cause remanded for a new trial. The Agency is awarded its costs on appeal.

Rothschild, J.

We concur: Mallano, P.J.
 Neidorf, J. (Assigned)

B195940 Linda Diane Padilla (Not for Publication)
v.
Karen Garcia

The judgment is affirmed.

Neidorf, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

B199326 Los Angeles County, D.C F.S. (Not for Publication)
v.
A.R., et al.

The judgment is affirmed.

Neidorf, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

DIVISION ONE (continued)

B197695 People (Not for Publication)
v.
Alexis Garcia

The judgment is reversed. The matter is remanded to the trial court for the limited purpose of (1) conducting an in-camera inspection of Detective Arciniega's and Detective Villa's police personnel records and ordering the disclosure of relevant information, if any, and (2) granting defendant's *Brady* request and giving defendant an opportunity to establish prejudice resulting from the prosecution's withholding of any potentially exculpatory evidence. If the trial court concludes that the detectives' personnel files contain discoverable *Pitchess* information and defendant establishes that he was prejudiced by the denial of its discovery or defendant establishes he was prejudiced as a result of the prosecution's failure to disclose the *Brady* material, then the trial court is directed to order a new trial. If there is no discoverable *Pitchess* information in the detectives' personnel files or if defendant is unable to establish he was prejudiced at trial as a result of the improper denial of his *Pitchess* motion or *Brady* request, then the trial court is ordered to reinstate the judgment and the judgment is affirmed.

Neidorf, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

September 15, 2008 (Continued)

DIVISION ONE (continued)

B210189 Glendale Tower Partners L.P. (Not for Publication)

v.

Superior Court, Los Angeles County
(Crown Central Associates, LLC, r.p.i.)

The Court:

THEREFORE, let a peremptory writ issue, commanding respondent superior court to vacate its order of August 1, 2008, denying Glendale's motion to expunge lis pendens, and to issue a new and different order granting same, in Los Angeles Superior Court case No. BC389255, entitled Crown Central Associates, LLC v. Glendale Tower Partners, L.P.

All parties shall bear their own costs.

Mallano, P.J. Rothschild, J.

DIVISION FOUR

B205478 People (Not for Publication)

v.

Contreras

The judgment (order of dismissal pursuant to §1385) is reversed.

Willhite, J.

We concur: Epstein, P.J.
 Manella, J.

September 15, 2008 (Continued)

DIVISION FOUR (continued)

[illegible]

Appellant's conviction is affirmed, his sentence is reversed, and the case remanded for resentencing.

Epstein, P.J.

We concur: Willhite, J.
Suzukawa, J.

DIVISION FIVE

B200339 Al Varisco (Certified for Publication)
v.
Gateway Science and Engineering, Inc.

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, Acting P.J.

We concur: Mosk, J.
Kriegler, J.

B208955 E.H. (Not for Publication)
v.
Superior Court, Los Angeles County

Petition denied for extraordinary relief is denied. This opinion shall become final immediately upon filing.

Turner, P.J.

We concur: Mosk, J.
Kriegler, J.

DIVISION SIX

B195073 James (Not for Publication)
v.
James

The judgment is modified to reduce Elizabeth's reimbursement award by \$8,228 and is otherwise affirmed. Costs on appeal are awarded to Elizabeth James.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

B198240 Vasquez (Not for Publication)
v.
National Metal & Steel Corp., Inc.

The judgment (order granting summary judgment) is affirmed . Respondents are awarded costs on appeal.

Yegan, J.

We concur: Gilbert, P.J.
Coffee, J.

B202224 People (Not for Publication)
v.
Perez

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

DIVISION SIX (continued)

B204978 People (Not for Publication)
 v.
 Tapia

The stay of sentences on the enhancements (sections 12022.7, subd. (a), 12022, subd. (b)(1)) pertaining to the first degree attempted murder conviction is vacated. The judgment is modified to impose a consecutive three-year sentence on the section 12022.7, subdivision (a), enhancement and a one year consecutive sentence on the section 12022, subdivision (b)(1), enhancement. The trial court is directed to prepare an amended abstract of judgment reflecting the corrected sentences and to forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

B202778 La Fata (Not for Publication)
 v.
 LA Fitness International, LLC

The judgment is affirmed. LA Fitness shall recover its costs on appeal.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

DIVISION SIX (continued)

B203089 Holtemann (Certified for Publication)
 v.
 Holtemann

The order is affirmed. Respondent shall recover costs on appeal.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

DIVISION SEVEN

B198985 Cleveland (Not for Publication)
 v.
 Allstate Insurance Company

The judgment is affirmed. Respondent(s) to recover costs.

Woods, J.

We concur: Perluss, P.J.
 Zelon, J.

B201271 People (Not for Publication)
 v.
 Asencio

The judgment is affirmed.

Zelon, J.

We concur: Perluss, P.J.
 Woods, J.

DIVISION SEVEN (continued)

B195594 People (Not for Publication)
v.
Rios et al.

The superior court is directed to modify each abstract of judgment to delete the section 186.22, subdivision (b)(1) enhancements imposed and stayed. The superior court is directed to further modify each abstract of judgment to reflect the imposition of an \$80 court security assessment. The superior court is ordered to prepare and file with the Department of Corrections amended abstracts of judgment reflecting the changes indicated herein. In all other respects, the judgments are affirmed.

Woods, J.

We concur: Perluss, P.J.
Zelon, J.

B207133 In re (Not for Publication)
Asencio
on
Habeas Corpus

The petition for writ of habeas corpus is denied.

Zelon, J.

We concur: Perluss, P.J.
Woods, J.

B202867 People (Not for Publication)
v.
J.R.

The judgment is affirmed.

Zelon, J.

We concur: Perluss, P.J.
Jackson, J.

September 15, 2008 (Continued)

DIVISION SEVEN (continued)

B207514 F.C. (Not for Publication)

V.

Superior Court, Los Angeles County
(Los Angeles County, D.C.F.S., r.p.i.)

Because substantial evidence supports the juvenile court's order to conduct a hearing pursuant to section 366.26, the petition is denied on the merits.

Perluss, P.J.

We concur: Woods, J.
Jackson, J.

DIVISION EIGHT

B203726 Cecile Alch et al.,

V.

Superior Court, Los Angeles County
(Time Warner Entertainment Company, r.p.i.)

Filed order denying petition for rehearing.